

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

IN RE:

**Bankruptcy Case
No. 08-35653-KRH**

CIRCUIT CITY STORES, INC., et al.,

Chapter 11 (Jointly administered)

Debtors.

**RESPONSE TO THE DEBTORS' THIRTY-FIFTH OMNIBUS OBJECTION
TO CLAIMS (DISALLOWANCE OF (I) CERTAIN AMENDED CLAIMS;
AND (II) CERTAIN DUPLICATE CLAIMS)**

Newport News Shopping Center, L.L.C., a Virginia limited liability company ("Newport"), appears before the United States Bankruptcy Court for the Eastern District of Virginia, Richmond Division ("Bankruptcy Court"), in response to the Debtors' thirty-fifth omnibus objection to claims (disallowance of (i) certain amended claims, and (ii) certain duplicate claims) (collectively, "the Objection"). The Objection was filed in the Bankruptcy Court on August 21, 2009 as Docket Number 4599. In response to the Objection, Newport states as follows:

1. In the Objection, the Debtors object to Newport's claim on the basis that it filed duplicate claims. Based on the information contained in the Objection, Newport filed claim number 8571 on January 29, 2009 in the amount of \$69,977.13. Newport also filed claim number 7663 on January 29, 2009 in the same amount. Under the proposed Order only claim number 7663 survived. Newport does not seek to be paid twice.

Paul K. Campsen, Esq. (VSB No. 18133)
Kaufman & Canoles, a professional corporation
150 West Main Street (23510)
Post Office Box 3037
Norfolk, VA 23514
Tele: (757) 624-3000
Fax: (757) 624-3169
Counsel for Newport News Shopping Center, L.L.C.

2. According to the claims register maintained by the Bankruptcy Court on its website, Newport's claim is designated as Claim No. 156. It was filed on January 29, 2009 for \$63,977.13. It was amended on April 10, 2009 to increase the amount to \$893,583.87. The basis for the increase in the amount of the claim was that the underlying real estate lease was rejected after the filing of initial claim.

3. Newport does not object to the disallowance of its duplicate claim, so long as the surviving claim (whether Claim No. 7663 or 156), includes the amended amount. Newport's consent to the disallowance of the duplicate claim does not have, and should not be construed to have, the effect of negating its amended claim in the amount of \$893,583.87.

4. Newport opposes the Objection only to the extent that it seeks to disallow Claim No. 156, as amended, as shown on the claims register.

WHEREFORE, Newport News Shopping Center, L.L.C., a Virginia limited liability company, prays that Claim No. 156, as amended (as shown on the claims register), be allowed in the amount of \$893,583.87, that the Objection be overruled to the extent it seeks to disallow Claim No. 156, as amended, and for such other and further relief as appropriate.

Dated: September 15, 2009

**NEWPORT NEWS SHOPPING
CENTER, L.L.C.**



By: /s/ Paul K. Campsen
Of Counsel

Paul K. Campsen, Esq. (VSB No. 18133)
Kaufman & Canoles, a professional corporation
150 West Main Street, Suite 2100 (23510)
Post Office Box 3037
Norfolk, VA 23514
Tele: (757) 624-3000
Fax: (757) 624-3169

CERTIFICATE OF SERVICE

I certify that on this 15th day of September, 2009, a true copy of the foregoing Response to the Debtors' Thirty-fifth Omnibus Objection to Claims (Disallowance of (I) Certain Amended Claims; and (II) Certain Duplicate Claims was served electronically upon all parties receiving notice via ECF and further upon counsel for the Debtors via electronic mail and U.S. Mail to:

Gregg M. Galardi, Esq.
Ian S. Fredericks, Esq.
Skadden, Arps, Slate, Meagher & Flom, LLP
P.O. Box 636
Wilmington, DE 19899-0636
Gregg.galardi@skadden.com
Ifrederi@skaddenc.com

Chris L. Dickerson, Esq.
Skadden, Arps, Slate, Meagher & Flom, LLP
155 North Wacker Drive
Chicago, IL 60606-7120
Chris.dickerson@skadden.com

Robert B. Van Arsdale
Office of the U.S. Trustee
701 East Broad Street, Suite 4304
Richmond, VA 23219
Robert.B.Van.Arsdale@usdoj.gov

Douglas M. Foley, Esq.
Daniel F. Blanks, Esq. McGuire Woods, LLP
9000 World Trade Center
101 W. Main Street
Norfolk, VA 23510
dblanks@mcguirewoods.com
dfoley@mcguirewoods.com

Dion W. Hayes, Esq.
McGuire Woods, LLP
One James Center
901 E. Cary Street
Richmond, VA 23219
dhayes@mcguirewoods.com


/s/ Paul K. Campsen

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